IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

MISC.PETITION NO.16 OF 2002

SICOM Limited ....Petitioner

V/s.

Mrs.Ramona Jaideep Garware & Anr. ....Respondents

Mr.M.P. Rege i/b M/s.M.P. Rege & Co. for the Petitioner.

Mr.N. Seervai i/b P. Parshurampuria for Respondent No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 16TH OCTOBER, 2004.

P.C. :

1. The present Petition seeks to recover the amounts from Respondent No.1, who is the widow of one Jaideep Garware on the basis that the latter was a guarantor in respect of the facilities granted by the Petitioner to Respondent No.2. The only contention on behalf of Respondent No.1 is that as the widow of the guarantor - Respondent No.1 is not liable for the dues of her deceased husband. It is however, not disputed that Respondent No.1 is liable for the same to the extent of the estate of the deceased Jaideep Garware coming to her hands.

2. Mr.Seervai, the learned senior counsel appearing on behalf of Respondent No.1 reiterated the statement made in the affidavit in reply of Respondent No.1 to the effect that Respondent no.1 has not inherited any part of the estate, if any, of her deceased husband and that no part of his estate has come to her hands. This is disputed on behalf of the Petitioner. I have not gone into this question This issue is kept open and must necessarily be agitated in appropriate proceedings that may be adopted by the Petitioner for recovery of its dues.

3. In the circumstances, the Petition is made absolute in terms of prayer (a) subject to the condition that Respondent No.1 shall be liable for the same only to the extent of the estate, if any, of the deceased Jaideep Garware coming to her hands.

4. The Petition is accordingly disposed of.

. Certified copy expedited.

. Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer of this Court.